

REMARKS

By this amendment, Applicants have amended claim 25 and claims 26-47 have been added as described further below. Claims 1-17 and 19-24 have been cancelled without prejudice and thus claims 25-47 are currently under examination in the present application. For the reasons set forth below, Applicants submit that the present amendments and arguments place this application in condition for immediate allowance.

As an initial matter, Applicants respectfully submit that the present amendments to claim 25 and the addition of claims 26-47 is proper and should be entered as these amendments do not raise issues requiring further consideration based on previously presented claims. In particular, claim 25 has merely been amended to place this claim into independent form, and it now refers to a method of using quantum dots in preparing a makeup composition. Previously, claim 25 referred to a “method for preparing a composition according to claim 1” and claim 1 previously referred to a “makeup composition comprising...quantum dots.” As such, the present amendments to claim 25 simply present the limitations found in claim 1 in independent form. Furthermore, new claims 26-47 merely present limitations that were previously found in claims 2-17 and 19-24, which previously depended from claim 1, but which have now been canceled without prejudice. Accordingly, no new issues are raised by the present amendments, Applicants respectfully submit that the amendments should be entered.

In the Office Action dated November 28, 2008, the Examiner made several minor objections to the wording of claims 8 and 9 as there appeared to be a typographical error in reciting the semiconductor groups. This objection has now been rendered moot by virtue of the present amendments cancelling claims 8 and 9, and the removal of those errors in claims 32 and 33 which incorporate the limitations previously presented in claims 8 and 9. In the present set of claims, new claim 32 refers to a semiconductor of groups II-VI and claim 33 refers to a semiconductor of groups III-V. Furthermore, an additional typographical error in the limitation previously presented in claim 10 has been corrected such that new claim 34 now refers to a semiconductor of group IV. Accordingly, Applicants respectfully request that the Examiner's objections to the wording of the claims be withdrawn.

In the Office Action, the Examiner rejected claims 1-6 and 22-25 under 35 U.S.C. §102(b) as being anticipated by Nearn, et al. (U.S. 5,417,961) and also rejected claims 1, 6-9, 13-15, and 22-25 under 35 U.S.C. §102(e) as being anticipated by Chen (U.S. 2002/0127224). For the reasons set forth below, Applicants submit that the Examiner's rejections are respectfully traversed and should be withdrawn.

As reflected in the amended claims, the present invention relates to a method using quantum dots in preparing a makeup composition by providing fluorescent nanoparticles (i.e. quantum dots) and introducing them into a cosmetic vehicle. While the Examiner recognized that the cited references do not explicitly teach a method of preparing a makeup compositions, the Examiner asserted that the cited references

disclose nanoparticles in various oils and creams that would read on the presently-claimed methods.

Contrary to the Examiner's assertions, however, it is indeed the case that neither the Nearn reference nor the Chen reference teaches or suggests a method of using quantum dots in preparing a makeup composition. The Nearn reference merely describes a sunscreen composition comprised of zinc oxide and does not contain a single reference to quantum dots, much less a method of using quantum dots in preparing a makeup composition. Furthermore, the Chen reference describes methods and compositions that can be used to provide a photodynamic therapy for cancer treatment or gene transcription, and is totally unrelated to a method of using quantum dots in preparing a makeup composition. As such, neither of these references teaches or suggests a method of using quantum dots in preparing a makeup composition whereby fluorescent nanoparticles are introduced into a cosmetic vehicle.

Accordingly, Applicants respectfully submit that the present invention, as reflected in the amended claims, is not anticipated by the cited references and that the claims of the present application are clearly patentable over those references. Applicants thus submit that the Examiner's rejections on the basis of those references is respectfully traversed and should be withdrawn.

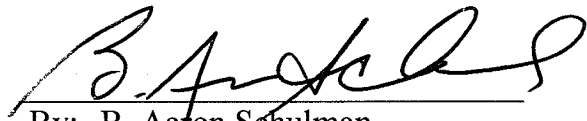
In the Office Action dated November 28, 2008, the Examiner further rejected claims 2-5 under 35 U.S.C. §103(a) as being unpatentable over Chen, and also rejected claims 10-12, 16, 17, and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Bawendi, et al. Without addressing the merits of these rejections,

these rejections have now been rendered moot by virtue of the present amendments cancelling claims 1-17 and 19-24. Accordingly, Applicants respectfully submit that the Examiner's rejections are respectfully traversed and should be withdrawn.

In light of the amendments and arguments provided herewith, Applicants submit that the present application overcomes all prior rejections and objections, and upon entrance of the present amendment will be placed in condition for immediate allowance. Such action is respectfully requested.

Respectfully submitted,

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